

Application No.: 10/600,948
Amendment Dated: June 29, 2007
Reply to Office Action Dated: June 7, 2007

REMARKS

In a Final Office Action mailed June 7, 2007, the Examiner in charge of the above-identified application rejected Claims 23, 24, 27, 29 and 30 under 35 U.S.C. §112, first paragraph as lacking written description and enablement. Applicants respond to the Examiner's rejection below. In view of the amendments noted above and the remarks presented herein, applicants respectfully request reconsideration of the merits of this application.

Claim Rejections - 35 U.S.C. § 112, first paragraph

Claims 23, 24, 27, 29, and 30 remain rejected under 35 USC 112, first paragraph as failing to comply with the written description and the enablement requirement. Applicants disagree with the rejections.

However, in an effort to expedite prosecution on the merits, Claims 23, 24, 27, 29 and 30 are amended to delete the phrase "at least 70%". Furthermore, new Claims 31-35 are added. The new claims mirror existing Claims 23, 24, 27, 29 and 30 and limit the FLC2 protein as being at least 95% identical in amino acid sequence to SEQ ID NO: 4. These claims are added to define the scope of the claimed embodiments and to identify as well as establish allowable subject matter. Support for these amendments is found throughout the specification, see for example, pg. 11, line 24, which certainly encompasses the upper range limit of at least 95% identity for the FLC2 protein. No new matter is added. In view of these remarks and amendments, applicants respectfully request reconsideration of this rejection as applied to Claims 23, 24, 27, 29 and 30.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For the reasons stated above, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Fees

No fee is believed due in connection with this submission. However, if a fee is due, in this or any subsequent response, please charge the fee to Deposit Account No. 17-0055.

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Likewise, no extension of time is believed due, but should any extension be required in this or any subsequent response, please consider this to be a petition for the appropriate extension of time and a request to charge the petition fee due to the same Deposit Account.

Respectfully submitted,



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